

ORDINANCE
CITY OF NEW ORLEANS

CITY HALL: April 5, 2007

CALENDAR NO: 26,450

NO: 22601 MAYOR COUNCIL SERIES

BY: COUNCILMEMBER WILLARD-LEWIS 

AN ORDINANCE to amend and reordain Article II of Chapter 138 of the Code of the City of New Orleans to update the City's waste collection and disposal process and increase penalties for violations; Section 66-282 to increase the penalties for littering and dumping; and otherwise to provide with respect thereto.

SECTION 1. THE COUNCIL OF THE CITY OF NEW ORLEANS HEREBY ORDAINS that Article II of Chapter 138 of the Code of the City of New Orleans be and the same is hereby amended and reordained to read as follows:

ARTICLE II. COLLECTION AND DISPOSAL

Sec. 138-37. Penalties; certain violations.

Violators of sections 138-38, 138-39, 138-41, 138-42, 138-43, 138-44, 138-45, 138-46 and 138-47 shall, upon conviction or plea of guilty, be punished as follows:

(1) The first conviction of a violation shall be punishable by a fine of not less than \$150.00;

(2) The second conviction of a violation shall be punishable by a fine of not less than \$250.00;

(3) For a third conviction and each subsequent offense, a fine of not less than \$500.00 or imprisonment of no less than five days nor more than 90 days or both.

Owners, agents, including commercial haulers, and/or occupants of property may be

15 charged with violations of these sections.

16 **Sec. 138-38. Carts to be provided.**

17 The City's solid waste collection contractor shall provide to each registered household
18 unit and small business unit a roll cart container for storage of garbage and trash in a sanitary
19 manner. Roll cart containers shall remain property of the City at all times.

20 A roll *cart* is a plastic, wheeled refuse receptacle having a tight-fitting attached lid,
21 carrying identification of the City and the City's solid waste collection contractors, with a
22 designated serial number/barcode and whose design, construction and capacity shall be
23 determined by the City. The collection contractor will supply each residential and small
24 business unit with one ninety-six (96) gallon roll cart. Roll cart use shall be for small
25 businesses, single-family dwellings and multi-family dwellings with four or fewer units.

26 Eligible residents and small business owners who live or operate within the boundaries
27 of the Vieux Carré may request an exemption from the use of a roll cart. Exemptions will be
28 granted to residents who are elderly, disabled, or handicapped, or if the infrastructure does not
29 permit storage of the roll cart. Exemptions will be granted provided that a written request,
30 including the resident's name, address, apartment number, telephone number, e-mail address
31 (optional), and the number of units in the building or small business, is submitted to the
32 Department of Sanitation. Additionally, the request must include a copy of a current utility
33 bill for the unit, the name and address of the property owner, if different from the resident,
34 and the reason for the request. If the exemption request is approved, the resident will be
35 notified, and the resident's account will be flagged. Residents and small businesses that
36 receive an exemption from the use of a roll cart are required to place their solid waste in 3 ply
37 or 0.5 mil or greater black garbage bags. White trash bags, grocery bags, and paper bags are
38 not acceptable for collection of solid waste. Roll carts are mandatory for all residents who do
39 not have an approved exemption request on file with the Department of Sanitation. Any

40 resident or small business owner who is in violation of the provisions of this section may be
41 cited and fined for littering.

42 Only the City's representative shall be authorized to remove any City-owned solid
43 waste cart from its assigned location. It shall be unlawful for any other person to willfully
44 remove, damage or destroy any garbage cart from the address to which it is assigned. Any
45 roll cart that is stolen shall be replaced by the City, provided that a police report is submitted
46 to the Department of Sanitation.

47 **Sec. 138-39. Placement in carts.**

48 It shall be unlawful to place out for collection garbage or trash that is not properly
49 contained within a City provided roll-off cart; to remove cart covers or otherwise vandalize
50 carts; to overfill a cart such that the lid does not close to where it is in contact with the rim; or
51 to disturb the contents of carts after they have been placed for collection.

52 All owners and occupants of any building, house, structure or grounds shall be
53 responsible for the cleanliness of their premises and alleys immediately adjacent to their
54 premises. All business owners and managers of stores, restaurants, markets or stands shall be
55 responsible for keeping sidewalks adjacent to buildings occupied by the business in a clean
56 condition. Anyone who sweeps paper, trash, litter, dirt, or other waste material into the streets
57 or onto the sidewalks or other public ways adjacent to such stores, restaurants, markets or
58 stands shall be responsible for proper clean-up and disposal of such litter.

59 **Sec. 138-40. Maintenance of garbage carts.**

60 All roll cart containers issued by the City for use in conjunction with an automated
61 loading device shall remain the City's property and shall only be used for storage of solid
62 waste materials collected by the City. The collection contractor is responsible for repairs to
63 the City-owned carts when damage is caused during normal usage. Carts shall be secured by
64 the resident, between collection days, in such a manner that they are not readily susceptible to

theft or vandalism. Anyone found to have intentionally or negligently damaged a City-owned cart shall be liable for the replacement or repair cost. Collection will be suspended at any location where a roll cart is missing or damaged to such an extent as to interfere with normal collection methods.

Sec. 138-41. Carts to be covered; garbage bagged.

The roll cart container shall be stored with the attached lid closed at all times, except during the placement or removal of contents. Garbage shall be contained in disposable plastic bags before being placed in the cart.

Sec. 138-42. Days of collection; placement and removal of garbage carts.

(a) Except as otherwise designated by the Director, the automated or semi-automated solid waste collection system shall be the method used for household and small business solid waste collection services provided by the City.

(1) The Director of the Department of Sanitation shall designate when the collection of trash and garbage shall be made in various areas of the City. For day collection, roll-off carts with trash and garbage, bagged yard waste, or bundles of tree limbs shall be placed at the curb or in the service alley before 5:00 a.m. on the day designated for collection, but not before 4:00 p.m. of the day prior to the designated collection day. Empty carts shall be removed from the curb or service alley as soon as possible, but prior to 7:00 p.m. on the day of collection. It shall be unlawful to place or permit carts to remain adjacent to the curb, except on regular collection days. Carts shall be stored, between collection days, on the user's property so as not to interfere with pedestrian or vehicular traffic along sidewalks, streets, and other rights-of-way.

(2) For night collection, carts with trash and garbage, bagged yard waste or bundles of tree limbs shall be placed at the curb or in the service alley before 5:00 p.m. on the night designated for collection. Empty carts shall be promptly removed from

the curb or service alley and shall not be permitted to remain after 7:00 a.m. of the day after the collection day.

(3) Any person sixty (60) years of age or older shall be allowed to place carts with trash and garbage, bagged yard waste, or bundles of tree limbs at the curb adjacent to his/her residence before 4:00 p.m., but not before 12:00 p.m., of the day prior to the designated collection day for day collection or on the designated collection day for night collection. Any person sixty (60) years of age or older who receives written notification of a violation of this provision shall provide proof of residence and proof of age in order to be exempt from penalties imposed by Section 138-37.

(4) Residential and small business units receiving curbside collection services shall place roll carts at the curb in front of the unit on the designated collection days in such a manner that it allows for the safe and efficient operation of the collection vehicle and does not interfere with pedestrian or vehicular traffic. Roll carts shall be placed so that they open toward the street or alley.

(b) All commercial businesses within the boundaries of the Vieux Carré that receive curbside collection of solid waste from commercial haulers shall place their solid waste curbside for collection between the hours of 4:00 a.m. and 10:00 a.m. Commercial businesses within the Vieux Carré that receive twice per day collection from commercial haulers shall place their solid waste curbside for the second collection between the hours of 5:00 p.m. and 7:00 p.m. The solid waste shall be properly containerized in garbage receptacles with tight-fitting lids or placed in fastened 3.0 mil thick black plastic bags. Cardboard boxes shall not be used as waste containers. Solid waste containers and bags that are placed curbside shall not block the sidewalk.

(c) All commercial haulers collecting or transporting refuse within the boundaries of the Vieux Carré shall complete all work between the hours of 4:00 a.m. and 10:00 a.m.

115 Commercial haulers that provide twice per day collection within the boundaries of the Vieux
116 Carré shall complete all night work between the hours of 5:00 p.m. and 7:00 p.m.

117 (d) It shall constitute as presumptive evidence that the occupant and/or owner of
118 the establishment whose address corresponds to the serial number or barcode on the roll cart
119 in which such garbage is held, or on the garbage itself, specifically authorized and/or directed
120 the placement of the garbage out at a time other than authorized above. This presumption
121 shall be applicable when such garbage is found adjacent to or in the vicinity of the building of
122 the party or parties whose address corresponds with the roll cart in which such garbage trash
123 is found or on the contents found in the cart.

124 **Sec. 138-43. Residential bulky waste placement and collection.**

125 (a) The City will collect bulky waste a maximum of once per week by
126 appointment or on an "on call" basis. The resident shall be responsible for calling or e-
127 mailing the city's solid waste collection contractor to schedule an appointment for bulky
128 waste collection. Bulky waste shall be placed out for collection no later than 5:00 a.m. on the
129 scheduled collection date and must be placed in neat stacks. It shall be unlawful to place
130 bulky waste out for collection prior to the pre-scheduled appointment or scheduled collection
131 day. The amount of bulky waste placed for collection shall not exceed a total uncompacted
132 volume of ten (10) cubic yards on each scheduled pick-up.

133 (b) Bulky waste shall be collected from residential units only. Small businesses
134 that receive solid waste collection services from the City shall be responsible for proper
135 transportation and disposal of bulky waste.

136 (c) Large bulky household items such as refrigerators, stoves, furniture, etc. shall
137 be placed at the curb or in the service alley before 5:00 a.m. on the scheduled (day of
138 appointment) bulky waste collection day, but not before 4:00 p.m. of the day prior to the day
139 scheduled for bulky waste collection. All compressors must be removed from appliances

140 prior to being placed out for collection.

141 (d) Bulky waste placed in alleys shall be placed adjacent to the property line.
142 Bulky waste placed out for curbside collection shall be placed in front of the resident's
143 property, between the sidewalk and the street curb. The director may designate alternate
144 placement and collection points. Bulky waste shall not be placed on the sidewalk or in the
145 street, within five feet of any fire hydrant, utility pole, mail box, garbage cart, recycling
146 container, or any other fixed object, on top of any water meter, behind a fence or any
147 obstruction or barrier, or in any other manner that would interfere with or be hazardous to
148 pedestrians, bicyclists or motorists.

149 (e) Items of bulky waste that are acceptable for normal residential collection are:

- 150 (1) Tree limbs and branches less than four (4) feet in length and twelve
151 (12) inches in diameter, neatly bundled;
- 152 (2) Metal materials weighing twenty-five (25) pounds or less;
- 153 (3) Pipe less than one (1) inch in diameter and less than four (4) feet in
154 length;
- 155 (4) Manufactured items, including, but not limited to, furniture and
156 appliances;
- 157 (5) Bagged leaves, weeds, grass, small vegetation clippings and hedge
158 clippings;
- 159 (6) White goods;
- 160 (7) Twenty-five (25) pounds or less of construction and demolition solid
161 waste generated by a resident and properly containerized and/or bundled;
- 162 (8) Cardboard boxes;
- 163 (9) Carpet less than four (4) feet in length, rolled and tied; and
164 (10) Tires; maximum of four (4) tires per scheduled collection.

165 (f) Items of bulky waste that are not acceptable for normal residential collection
166 include:

- 167 (1) Tree limbs or branches more than four (4) feet in length or twelve (12)
168 inches in diameter and not properly bundled;
- 169 (2) Metal material in excess of twenty-five (25) pounds;
- 170 (3) Pipe more than one inch in diameter or more than four (4) feet in
171 length;
- 172 (4) Unbagged leaves, weeds, grass, small vegetation clippings and hedge
173 clippings;
- 174 (5) More than twenty-five (25) pounds and/or improperly containerized or
175 bundled construction and demolition solid waste generated by a resident, or
176 any amount of construction and demolition solid waste generated by a
177 contractor working at a residential unit;
- 178 (6) Concrete, cement blocks, stones, bricks;
- 179 (7) Any materials containing asbestos;
- 180 (8) Lead acid batteries or any hazardous, infectious, or medical solid
181 waste;
- 182 (9) Vehicle or equipment parts in excess of twenty-five (25) pounds;

183 (g) It shall be a violation of this section to place unacceptable bulky waste items,
184 bulky waste items exceeding ten cubic yards or improperly placed bulky waste items out for
185 collection. The responsible party shall remove and dispose of all bulky waste improperly
186 placed, bulky waste exceeding ten (10) cubic yards, improperly containerized or bundled, and
187 any unacceptable items of bulky waste at their own expense.

188 **Sec. 138-44. Disposal of yard waste, tree branches, shrubbery.**

189 Tree branches and shrubbery shall not be placed in roll carts. Such materials shall be

190 cut into lengths of less than four (4) feet and tied in bundles not to exceed seventy-five (75)
191 pounds in weight. Bundled tree branches in excess of six (6) standard bundles is considered
192 bulky waste and will be collected by pre-scheduled appointment on a bulky waste collection
193 day. Bundled waste and yard waste, including grass clippings and leaves, shall be properly
194 bagged, but not overloaded, and placed adjacent to the roll cart for collection on the second
195 collection day.

196 **Sec. 138-45. Waste collection: commercial facilities, private contractors or businesses**
197 **and multi-unit residential structures.**

198 (a) Commercial facilities that produce more than ninety-six (96) gallons of solid
199 waste each regular collection in the residential areas that receive twice per week collection or
200 more than thirty-five (35) gallons of solid waste each regular collection of once per day, 7
201 days per week, within the Vieux Carré and the Downtown Development District, restaurants,
202 bars, hotels and any condominium, apartment or other residential complexes containing five
203 or more residential units are responsible for contracting with private solid waste contractors
204 for the collection of waste.

205 (b) Any owner of a small business or residential property being repaired or
206 constructed by private contractors shall be responsible for the removal and disposal of all
207 bulky waste and construction and reconstruction debris generated from such work. No such
208 waste or debris shall be placed curbside for collection by the City's contractors or placed on
209 the neutral grounds.

210 **Sec. 138-46. Maximum collections for one establishment.**

211 Not more than one ninety-six (96) gallon cart of garbage or trash, six (6) bags of yard
212 waste and six (6) standard bundles of tree branches and shrubbery tied, with each bundle
213 weighing not more than seventy-five (75) pounds and measuring not more than four (4) feet in
214 length, shall be removed from any one household, on any one collection day. Yard waste in

215 excess of the stated amounts shall be considered bulky waste, and the resident shall schedule
216 an appointment for bulky waste collection.

217 **Sec. 138-47. Improperly prepared refuse not collected; improper carts taken as trash.**

218 Only City-owned roll carts shall be used for the collection of household and small
219 commercial business waste. Only garbage and trash placed in the roll cart will be collected.
220 Garbage or trash deposited into unauthorized containers and cans, or bagged garbage (not
221 yard waste) separate from the roll cart will not be collected, unless a properly authorized
222 exemption has been granted. Only bags containing yard waste will be collected. The Director
223 of the Department of Sanitation may refuse to collect garbage or trash whenever such refuse is
224 not contained in a City-owned roll cart or the residence or business has not been granted a
225 properly authorized exemption. Any other trash or garbage cart shall be collected as trash
226 after notice has been given to the occupant or agent that such cart is not authorized and is
227 unfit for use.

228 * * *

1 **SECTION 2. THE COUNCIL OF THE CITY OF NEW ORLEANS HEREBY**
2 **ORDAINS** that Article V of Chapter 66 of the Code of the City of New Orleans be and the
3 same is hereby amended and reordained to read as follows:

4 **ARTICLE V. NUISANCES**

5 * * *

6 **DIVISION 2. LITTER**

7 **Sec. 66-282. Littering, dumping, and dumping of specific materials.**

8 * * *

9 (e) **Penalties – Littering.** Any person who violates paragraph (a) of section 66-282 shall
10 be punished as follows:

(1) For a first offense, a fine of not less than \$200.00 and community service of not less than six (6) seven-hour days of collecting and picking up litter and trash on public roads, streets and highways, and cleaning, cutting grass, removing weeds, litter and trash in public parks, playgrounds and cemeteries;

(2) For a second offense, a fine of not less than \$300.00 and community service of not less than ten (10) seven-hour days of collecting and picking up litter and trash on public roads, streets and highways, and cleaning, cutting grass, removing weeds, litter and trash in public parks, playgrounds and cemeteries; and

(3) For a third conviction and each subsequent offense, a fine of not less than \$500.00 and community service of not less than twenty (20) seven-hour days of collecting and picking up litter and trash on public roads, streets and highways, and cleaning, cutting grass, removing weeds, litter and trash in public parks, playgrounds and cemeteries, and imprisonment for not more than 180 days.

(f) Penalties – Dumping. Any person who violates paragraph (b) of section 66-282 shall be punished as follows:

(1) For a first offense, a fine of not less than \$1,500.00 and community service of not less than ten (10) seven-hour days of collecting and picking up litter and trash on public roads, streets and highways, and cleaning, cutting grass, removing weeds, litter and trash in public parks, playgrounds and cemeteries;

(2) For a second offense, a fine of not less than \$3,000.00 and community service of not less than fifteen (15) seven-hour days of collecting and picking up litter and trash on public roads, streets and highways, and cleaning, cutting grass, removing weeds, litter and trash in public parks, playgrounds and cemeteries, and imprisonment for not more than 180 days; and

35 (3) For a third and each subsequent offense, a fine of not less than \$5,000.00 and
36 community service of not less than twenty (20) seven-hour days of collecting and
37 picking up litter and trash on public roads, streets and highways, and cleaning, cutting
38 grass, removing weeds, litter and trash in public parks, playgrounds and cemeteries,
39 and imprisonment for not more than 180 days.

40 * * *

ADOPTED BY THE COUNCIL OF THE CITY OF NEW ORLEANS APR 19 2007

Oliver M. Thomas Jr.

PRESIDENT OF COUNCIL

DELIVERED TO THE MAYOR ON APR 20 2007

APPROVED: APR 25 2007

C. RAY NAGIN

MAYOR

RETURNED BY THE MAYOR ON APR 26 2007 AT 4:30 PM

PEGGY LEWIS

CLERK OF COUNCIL

YEAS: Carter, Fielkow, Hedge-Morrell, Midura, Thomas, Willard-Lewis - 6

NAYS: 0

ABSENT: Head (Official City Business) - ^{THE FOREGOING IS CERTIFIED}
_{TO BE A TRUE AND CORRECT COPY}

Peggy Lewis, Clerk
CLERK OF COUNCIL